

RESTRICTION ELECTION

Pursuant to Examiner's restriction requirement, Applicant elects **GROUP I, Claims 1-14**, drawn to an apparatus for tenderizing. However, Applicant does traverse Examiner's requirement on the grounds that Examiner's reasons proffered in support of his conclusions are *non sequiturs*.

Specifically, Examiner contends that the "process/method as claimed can be practice by another and materially different apparatus without the specifics of Group I, II apparatus, i.e., inner surface of a bag." However, Independent Claims 15 and 25, drawn to the claimed method, do not claim a general method of tenderizing/marinating that may be accomplished by just any apparatus. Instead, both Claims 15 and 25 (the subject Independent Claims of Group II and III, respectively) draw claim to Applicant's tenderizing/marinating bag – not some other unspecified and materially different apparatus, as Examiner now supposes. Indeed, Examiner has himself stated that the "inventions I, II and III are related as process/method and apparatus." Despite Examiner's own acknowledgment of the relatedness amongst the enumerated invention groups, Examiner advances, in the same paper, a polar opposite and unsupported allegation that the inventions are somehow patentably distinct, whilst failing to recognize the commonly claimed subject matter recited in Claims 1, 15 and 25 – Applicant's tenderizing/marinating bag.

Nonetheless, Applicant asserts that all Independent Claims 1, 15, 25 are generic enough to encompass all disclosed and claimed embodiments of Applicant's invention, and that all Claims 1-30 read on the elected group. Accordingly, Applicant respectfully requests that Examiner withdraw the election/restriction requirement in view of the foregoing arguments.

Applicant hereby makes of record her express intent and reservation of rights to file divisional applications which may include all or a portion of the non-elected Claims, as originally filed, or variants thereof.

CONCLUSION

The above election is to form and thus, no new matter was added. Should there be any questions or concerns, Examiner is invited to telephone Applicant's undersigned attorney.

Respectfully submitted this 2nd day of October, 2006.



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